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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighteenth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 28th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 15 May 1998, at 11.20 a.m.

Chairperson: Mr. ALSTON

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* The summary record of the first part (closed) of the meeting appears as document E/C.12/1998/SR.28.

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GE.98-16205 (E)

The public part of the meeting was called to order at 11.20 a.m.

RELATIONS WITH UNITED NATIONS ORGANS AND OTHER TREATY BODIES (continued)

Draft comments of the Committee on the incorporation of economic, social and cultural rights into the United Nations Development Assistance Framework (UNDAF) process (continued) (document without a symbol distributed in the meeting in English only)

1. The CHAIRPERSON said that he had revised the draft on the basis of the comments made by the members of the Committee at the previous meeting. Section headings had been added and the quotations in paragraph 1 had been deleted. He had also improved the wording of paragraph 5 and added a new paragraph 7 at the suggestion of Mr. Ceausu, who sought a clear indication of what the Committee wished to be borne in mind when the guidelines relating to the Framework were revised.

2. Following a discussion between Mr. TEXIER, Mrs. JIMENEZ BUTRAGUEÑO, Mr. SADI, Mrs. BONOAN-DANDAN and Mr. CEAUSU concerning the desirability of including the right to work among the rights referred to in paragraph 7 (b), the CHAIRPERSON suggested that the Committee should confine itself to general language, especially as the realization of the right to work did not fall within the purview of the various bodies responsible for the implementation of the Framework. Accordingly, the words "in relation to those issues which are at the heart of the UNDAF process, such as" should be placed after "particularly" in the third line of paragraph 7 (b).

3. The proposal was accepted.

4. The CHAIRPERSON said that the Committee had adopted the paper containing its comments on the incorporation of economic, social and cultural rights into the United Nations Development Assistance Framework (UNDAF) process. The text would appear in the Committee's report and would be sent to all relevant organizations and bodies.

ORGANIZATION OF WORK

Draft declaration on globalization and its impact on the enjoyment of economic and social rights

5. The CHAIRPERSON said he thought it would be useful for the Committee to draft a declaration on globalization, drawing on the exchanges of views during the day of general discussion on that issue.

6. The declaration could start with a general comment on the need to make the human rights dimension a central component of globalization. That comment could be followed by a series of examples illustrating how globalization was threatening the enjoyment of various rights, notably in the field of housing or employment. The declaration would then indicate that the major international organizations should take account of the human rights dimension in their activities. IMF and the World Bank in particular would be invited to display greater transparency when devising their packages, to make an effective effort to ensure that social safety nets were maintained in the

recipient countries, and to establish follow-up machinery to that end. The Committee could also recommend that WTO should explore the most appropriate means of ensuring respect for human rights in international economic relations. A specific recommendation might also be addressed to the Office of the United Nations High Commissioner for Human Rights with a request to undertake or commission a study of the Multilateral Agreement on Investment (MAI) from the human rights viewpoint. UNCTAD and UNDP should also be congratulated on their initial measures designed to take the human rights issue into consideration in their areas of operation, and should be encouraged to continue along those lines. Lastly, the declaration should say that in its work the Committee should continue to take account of the evolution of the world of finance, trade and investment in terms of their impact on the enjoyment of the rights set out in the Covenant. More specifically, there was a need to promote the strengthening of analytical capabilities in the Office of the High Commissioner for Human Rights and to underline the role that the Committee on Economic, Social and Cultural Rights should play in that area.

7. On the basis of the above-mentioned elements, he planned to prepare a draft declaration for consideration by the pre-sessional working group which would meet following the end of the Committee's eighteenth session.

8. Mr. SADI said he was wholly in favour of the initiative and merely regretted that the declaration could not be adopted more speedily in view of current events.

9. Mr. CEAUSU said that, while it was true that the general discussion had enabled the members of the Committee to question a number of representatives of specialized agencies or non-governmental organizations about the impact of globalization on the enjoyment of economic and social rights, the Committee itself had never really discussed the issue. But it ought to do so before adopting a declaration on a subject which was still controversial: globalization could not be viewed as the cause of all evils. Hence a degree of caution was required, otherwise the Committee might exceed its terms of reference and cast discredit on its work. He therefore proposed that the Committee should place the issue on the agenda of its nineteenth session.

10. Mrs. BONOAN-DANDAN agreed that a degree of caution was required in an area which was particularly complex. At the same time, the draft declaration introduced by the Chairperson clearly reflected the views expressed during the general discussion, and appeared to be sufficiently moderate. At the end of its current session, the Committee could do no less than address a recommendation to the Office of the High Commissioner for Human Rights relating to the carrying out of a study on the MAI from the human rights viewpoint. It would be a good idea if the declaration was published before the adoption of the Multilateral Agreement on Investment.

11. Mr. TEXIER fully endorsed that point of view. The Committee had been familiar with the issue of the impact of IMF and World Bank adjustment policies since its establishment, if only because Governments often cited the constraints such policies imposed on their budgets when their reports were being considered.

12. The general outline of the declaration sketched by the Chairperson was moderate and quite satisfactory. The declaration should be incorporated into the report on the current session, and the requisite time should be taken in the future to discuss more thoroughly the impact of globalization on the enjoyment of economic and social rights and, if appropriate, adopt a general comment on the issue.

13. Mr. MARCHAN ROMERO fully subscribed to the outline of the declaration on globalization which the Chairperson planned to draft, provided that it was focused on the impact of that worldwide phenomenon on the fate of the most vulnerable peoples. At the same time, he agreed with Mr. Ceausu that the Committee should display a degree of caution and not exceed its powers. The Committee should incorporate into its work the impact of globalization on economic and social rights, take the time required for a genuine debate and, if appropriate, adopt a general comment on the issue at a later date.

14. Mrs. JIMENEZ BUTRAGUEÑO expressed unreserved support for the Chairperson's proposal for the drafting of a declaration on globalization and, at a later session, a general comment on the issue.

15. Mr. SADI said that the exercise should not involve a condemnation or judgement where globalization, IMF, WTO or the market economy were concerned. The Committee's task was to ensure that those organizations took the Covenant into account. The Chairperson's proposal was aimed at that goal and did not go beyond the Committee's terms of reference. Perhaps it would be best, as the Chairperson had suggested, to entrust the working group with the task of finalizing the declaration.

16. Mr. ANTANOVICH said that the Committee could not ignore the major phenomenon of globalization or its considerable impact on development. Whatever method was adopted - incorporating the text under consideration in the report or submitting it to United Nations bodies, for example - would be acceptable to him. Globalization was an issue which the Committee would necessarily have to address again in order to identify all its impacts. The present draft was a step in that direction - that of slow recognition by the Committee of the dangers of globalization for the enjoyment of rights, especially economic, social and cultural rights. The Committee should also address the potentialities that it could offer. There was also a need for cooperation in that area with the other United Nations bodies dealing with human rights - perhaps with the entire United Nations system - and if necessary the establishment of an interdisciplinary body on the matter. It might even be necessary to restructure a large number of bodies dealing with human rights and consider holding a world conference on the impact of globalization on the enjoyment of human rights. The issue of globalization and its impact on the enjoyment of economic and social rights should remain on the Committee's agenda.

17. Mr. CEVILLE said he thought the Chairperson should make a statement to the press on behalf of the Committee on the globalization issue, which was a major phenomenon that directly affected economic, social and cultural rights and hence the relevant Covenant and the Committee's terms of reference. As

Mr. Antanovich had pointed out, the general discussion on the issue should be regarded as the starting point for a more thorough study of that complex issue, which the Committee must place on the agenda of its forthcoming sessions.

18. The plan sketched out by the Chairperson for the drafting, in the first place, of a declaration along the lines set out at the beginning of the meeting, followed by a general comment on the issue, was very pertinent because the problem of globalization was directly related to the work of the Committee. Its impact should be examined at future sessions, and hence the subject should be placed on the Committee's agenda.

19. Mr. PILLAY observed that a clear consensus was emerging in favour of a declaration by the Chairperson on the human rights dimension in globalization. The text should be drafted speedily, following the Committee's example at its seventeenth session in respect of the relationship between economic sanctions and respect for economic, social and cultural rights.

20. Mr. WIMER unreservedly endorsed the idea of a written declaration by the Chairperson on behalf of the Committee, in view of the importance of the issue. The Committee should express its view on the impact of globalization on the enjoyment of human rights, and in particular economic, social and cultural rights. Could the Chairperson make a statement to the press or convene a press conference on the subject?

21. The CHAIRPERSON cited practical objections to that suggestion. Like Mr. Sadi, he thought that any declaration made by or on behalf of the Committee should be focused on issues arising from its terms of reference. It should also beware of over-general assertions. For that reason, after considerable thought, he had suggested the drafting of a declaration whose content would not go beyond the Committee's terms of reference. The draft would be submitted to the pre-sessional working group, which would be perfectly free not to adopt it if its members considered that it would not be acceptable to the Committee members who did not participate in the working group. He also suggested that the draft should be faxed to Mr. Ceausu and other members of the Committee who so wished, to enable them to make comments. If there were no objections, he would take it that the Committee approved the proposed draft declaration.

22. The proposal was adopted.

23. The CHAIRPERSON also proposed that the Committee should request the Economic and Social Council to authorize a third annual session to enable it to examine the reports which had finally been sent to it by States parties - 25 in all - and enable the Committee members to exchange views on a variety of matters, such as globalization and its impact on economic and social rights falling under its terms of reference. In the event of a refusal, the Committee could request a week's extension of the length of its sessions. He noted general assent in the Committee.

24. The proposal was adopted.

25. The CHAIRPERSON also proposed that the pre-sessional working group should be asked to consider a draft Committee decision on the matter.

26. The proposal was adopted.

27. The CHAIRPERSON further proposed that the Committee, without taking a formal decision on the matter, should continue on an experimental basis to consider reports in accordance with the recently adopted approach of dividing the list of issues to be dealt with on the occasion of the consideration of each State party's report into two parts: priority concerns and other matters.

28. The proposal was adopted.

29. The CHAIRPERSON proposed that, in the absence of any suggestions regarding the topic for the day of general discussion, the general discussion at the nineteenth session should be devoted to the right to education and the relations between the Committee and the rapporteur on that subject who was due to be appointed shortly by the Commission on Human Rights.

30. The proposal was adopted.

31. Mr. CEAUSU suggested that the following question should be included in the list of issues from the nineteenth session onwards: to what extent does globalization hinder governments' efforts to promote the realization of economic, social and cultural rights?

32. The CHAIRPERSON said he feared that a question of that type might serve as a pretext for long digressions on the part of delegations, and might be of only marginal use for the Committee's work. However, the proposal would be passed to the pre-sessional working group.

33. In response to a request from Mr. MARCHAN ROMERO, he suggested that a brief summary should be made of the points which had been discussed in the context of the Committee's methods of work for consideration at the nineteenth session.

34. The proposal was adopted.

35. Following an exchange of congratulations and thanks, the CHAIRPERSON declared the session closed.

The meeting rose at 1 p.m.